

# **EXHIBIT A**

Rachael Decker  
804 Hampton Street  
Scranton, PA 18504,

Plaintiff,

v.

Midland Credit Management, Inc.  
350 Camino De La Reina, Suite 100  
San Diego, CA 92108,

Defendant.

Court of Common Pleas of Lackawanna  
County – Civil Action

Case No. 2021 CV- 594

THOMAS B. KELLY  
LACKAWANNA COUNTY

2021 FEB 10 P 2:34

CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

Jury Trial Demanded

### NOTICE

**YOU HAVE BEEN SUED IN COURT.** If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.**

Northeastern Pennsylvania Legal Services  
33 North Main Street, Suite 200  
Pittston, PA 18640  
Telephone (570) 299-4100

Rachael Decker,  
Plaintiff  
v.

Midland Credit Management, Inc.,  
Defendant

Court of Common Pleas of Lackawanna  
County – Civil Action

Case No. \_\_\_\_-CV-\_\_\_\_

Jury Trial Demanded

MAURIE D. KELLY  
LACKAWANNA COUNTY  
2021 FEB 10 P 2:34  
CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

## **COMPLAINT**

### **I. Introduction**

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

### **II. Jurisdiction**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

### **III. Parties**

4. Plaintiff, Rachael Decker, is a natural person residing at 804 Hampton Street, Scranton, PA 18504.

5. Defendant, Midland Credit Management, Inc. (“MCM”), is a corporation with a place of business located at 350 Camino De La Reina, Suite 100, San Diego, CA 92108.

6. MCM uses the mail in its business.

7. The principal purpose of MCM's business is the collection of debts.

8. MCM has reason to believe that a non-trivial portion of the accounts that it collects are for obligations for which the money, property, insurance or services which were the subjects of the transactions were primarily for personal, family, or household purposes.

9. MCM has reason to believe that it is probably true that the principal purpose of its business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5).

10. The principal purpose of MCM's business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5).

11. MCM regularly attempts to collect debts asserted to be due to another. The term "debt" is used in this allegation as that term is defined by 15 U.S.C. § 1692a(5).

#### **IV. Statement of Claim**

12. Within the past year MCM was attempting to collect from Plaintiff an account that Plaintiff allegedly owed to Midland Credit Management, Inc. ("the Account").

13. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. § 1692a(5).

14. While attempting to collect the Account, MCM was acting as a "debt collector" defined by the Act, 15 U.S.C. § 1692a(6).

15. MCM regularly uses the mail to attempt to collect consumer debts alleged to be due another.

16. On or about June 14, 2020, MCM caused to be mailed a letter addressed to Plaintiff.

17. A true and correct copy of the letter is attached as Exhibit A. (Redacted to ensure financial privacy).

18. The letter was an attempt to collect the Account.

19. The letter stated, *inter alia*: "Current Balance \$4,047.80".

20. The letter also stated: "Congratulations! You have been pre-approved for a discount program designed to save you money."

21. The above statement was followed by three payment options:

<b>Option 1:</b>	<b>10% off</b>	<b>You Pay Only</b>
<b>Payment Due Date:</b>	<b>7/14/2020</b>	<b>\$3,643.02</b>
<b>Option 2:</b>	<b>5% off</b>	<b>6 Monthly Payments of Only</b>
<b>First Payment Due Date:</b>	<b>7/14/2020</b>	<b>\$640.90</b>
<b>Option 3:</b>	<b>Monthly Payments As Low As</b>	<b>\$50 per month</b>
<b>Call today to discuss your options and get more details.</b>		

22. The above three options lead the Plaintiff and the least sophisticated consumer to believe that by accepting one of the three options that she would be receiving a discount on the current balance.

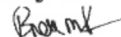
23. It is believed that if Plaintiff were to accept option 3, she would not receive a discount on the balance.

24. Therefore, the implication that option 3 would result in a discount was false, deceptive and misleading.

25. Defendant violated the Act, 15 U.S.C. § 1692e.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

Respectfully Submitted,

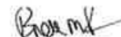


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Brett M. Freeman  
Bar Number PA 308834  
Attorney for Plaintiff  
Sabatini Freeman, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000

**Certification of Compliance**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



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Brett M. Freeman

**Verification by Plaintiff Rachael Decker**

I affirm that the averments of fact contained in this pleading are true upon my personal knowledge or information and belief.

*Rachael Decker*

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Rachael Decker

# Exhibit A

(Letter dated 6/14/2020)





**Midland  
Credit  
Management™**

350 Camino De La Reina  
Suite 100  
San Diego, CA 92108

6/14/2020

Rachael A. Decker  
804 Hampton St  
Scranton, PA 18504-2860

P29 T766 021



Original Creditor

CAPITAL ONE BANK (USA), N.A.

Current Owner

Midland Credit Management, Inc.

Original Account Number

XXXXXXXXXXXX

MCM Account Number

Current Balance

\$4,047.80

You are pre-approved for a 10% discount!

Reply Now [MidlandCredit.com](http://MidlandCredit.com)

or call 877-898-5125 by 7/14/2020

## Choose The Option That Works For You.

RE CAPITAL ONE BANK (USA), N.A.

Dear Rachael,

Congratulations! You have been pre-approved for a discount program designed to save you money. Act now to maximize your savings and put this debt behind you. Pay today at [MidlandCredit.com](http://MidlandCredit.com) or call 877-898-5125 now.

<b>Option 1:</b>	<b>10% off</b>	<b>You Pay Only</b>
<b>Payment Due Date:</b>	<b>7/14/2020</b>	<b>\$3,643.02</b>

<b>Option 2:</b>	<b>5% off</b>	<b>6 Monthly Payments of Only</b>
<b>First Payment Due Date:</b>	<b>7/14/2020</b>	<b>\$640.90</b>

<b>Option 3:</b>	<b>Monthly Payments As Low As</b>	<b>\$50 per month</b>
<b>Call today to discuss your options and get more details.</b>		

If these options don't work for you, call one of our Account Managers to help you set up a payment plan that does.

Sincerely,  
*Tim Bolin*  
Division Manager

\*To take advantage of Option 1, log in to [MidlandCredit.com](http://MidlandCredit.com), choose "MAKE A PAYMENT" and follow the on-screen instructions. You may also call 877-898-5125.

\*\*Option 2 is only available by calling 877-898-5125.

## Benefits of Paying!

➤ Save up to \$404.78

➤ Offer Expiration date:  
7/14/2020

[MidlandCredit.com](http://MidlandCredit.com)  
877-898-5125

Hours of Operation:  
Mon-Fri: 8am - 5pm (PST)  
Sat-Sun: 8am - 3pm (PST)

We are not obligated to renew any offers provided.



**MidlandCredit.com**



**877-898-5125**



Midland Credit Management, Inc.  
PO Box 301030  
Los Angeles, CA 90030-1030

**Important Disclosure Information:**

**Please understand this is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.**

Calls to and/or from this company may be monitored or recorded.

**Basic Information**

Original Creditor	CAPITAL ONE BANK (USA), N.A.	MCM Account Number	
Original Account Number	XXXXXXXXXXXX	Charge-Off Date	1/6/2020
Current Creditor <i>The sole owner of this debt</i>	Midland Credit Management, Inc.	Current Servicer	Midland Credit Management, Inc.

**Important Contact Information**

<b>Send Payments to:</b> Midland Credit Management, Inc. PO Box 301030 Los Angeles, CA 90030-1030	<b>Send disputes or an instrument tendered as full satisfaction of a debt to:</b> Attn: Consumer Support Services 320 E Big Beaver Rd. Suite 300 Troy, MI 48083 You may also call: 877-898-5125	<b>Physical Payments for Colorado Residents:</b> Colorado Manager, Inc. 8690 Wolff Court, Suite 110 Westminster, CO 80031 Phone (303) 920-4763
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**We are required under state law to notify consumers of the following additional rights. This list does not contain a complete list of the rights consumers have under applicable law:**

**NMLS ID: 934164**

**IF YOU LIVE IN MASSACHUSETTS, THIS APPLIES TO YOU: NOTICE OF IMPORTANT RIGHTS:** You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to MCM.

**IF YOU LIVE IN NORTH CAROLINA, THIS APPLIES TO YOU:** North Carolina Department of Insurance Permit #101659, #4182, #4250, #3777, #111895, #112039, #113170, #113236 and #112678. Midland Credit Management, Inc. 350 Camino De La Reina, Suite 100, San Diego, CA, 92108

**IF YOU LIVE IN TENNESSEE, THIS APPLIES TO YOU:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

# Signature Certificate

Document Ref.: SJWTR-NQJIJ-HRZOK-GVSPB

Document signed by:

	<b>Rachael Decker</b> Verified E-mail: <b>racheald827@gmail.com</b>	
IP: 174.252.128.108      Date: 01 Feb 2021 18:39:29 UTC		
	<b>Brett Freeman</b> Verified E-mail: <b>brett@bankruptcypa.com</b>	
IP: 72.28.4.137      Date: 01 Feb 2021 18:42:58 UTC		

Document completed by all parties on:

**01 Feb 2021 18:42:58 UTC**

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